

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of:	Jerussi <i>et al.</i>	Confirmation No.:	4423
Serial No.:	10/720,134	Art Unit:	1621
Filed:	November 25, 2003	Examiner:	Paul A. Zucker
For:	DERIVATIVES OF VENLAFAXINE AND METHODS OF PREPARING AND USING THE SAME	Attorney Docket No: CAM:	4821-531-999 208423-999528

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed September 11, 2008, Applicants submit the following remarks for the consideration by the Examiner and entry into the record of the above-captioned application.

In the Notice, it is alleged that the amendments to the claims presented in Applicants' response dated June 16, 2008 are improper because "canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive." (Notice, page 2). Applicants respectfully submit that the Notice is improper for the following reasons.

Applicants respectfully point out that no claims were canceled in their June 16 response. Applicants believe that the confusion may have stemmed from the fact that a copy of a response filed in the co-pending U.S. Application No. 10/806,423 ("the '423 application") was submitted in Applicants' June 16 response as evidence. The copy of the response was submitted to show that certain claims that were pending in the '423 application, which were cited in connection with an alleged double patenting rejection in the current application, have been canceled.

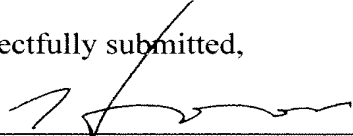
Consequently, as no claims were canceled in Applicants' response of June 16, Applicants respectfully point out that the Notice is improper, and thus, respectfully request that the Notice be withdrawn.

No fee is believed due for the submission of this paper. However, if any fees are due for the submission of this paper or to avoid abandonment of this application, the Director is authorized to charge them to Deposit Account No. 50-3013.

Date: September 29, 2008

*for:*

Respectfully submitted,



Hoon Choi

Ltd. Recog. No.: L0209

Anthony M. Insogna

Reg. No.: 35,203

**JONES DAY**

12265 El Camino Real, Suite 200

San Diego, CA 92130

(858) 314-1200